

REMARKS

A. The Specification

Applicant has amended the specification as filed to delete the first two paragraphs of the "Summary of the Invention" on page 2 of the application as filed. The Examiner objected to the disclosure because of those paragraphs. As a result of this amendment applicant requests reconsideration of that objection.

The applicant has amended various other paragraphs in the specification as filed to correct various obvious and inadvertent errors such as missing reference numerals, to refer to the various of the drawing figures as filed at the appropriate places in order to make it easier to read the specification and to add at appropriate places that the "control system" referred to in two paragraphs that begin on page 8 is not shown in the drawing figures. Applicant submits that none of these amendments introduce new matter.

B. The Drawings

The Examiner has objected to the drawings under 37 CFR 1.84(p)(5) because they do not include reference numerals 40, 41. Applicant has amended Figs. 2-5 of the drawings as filed to add to each of those figures which are on a separate sheet the reference numerals 40,41 for the block shown in each of those figures labeled "Evaluation unit/position regulator." The applicant as filed in the paragraph that starts at line 2 on page 8 describes 40 as the evaluation unit and states that the evaluation unit 40 may be integrated into the position regulator 41. Thus the amendments to Figs. 2-5 do not introduce new matter and do overcome the objection to the drawings. Reconsideration of that rejection is requested.

C. The Claims

1. The Rejection Under 35 U.S.C. 112, Second Paragraph

The Examiner has so rejected the claims because claims 1 and 10, the only independent claims, use the phrase "in particular" which renders all of the claims indefinite. The

10/021,951

Examiner states that one way to overcome this rejection is by amending the independent claims by removing the phrase "in particular of a process valve." The Examiner notes if applicant so amends the claims that claim 21 which depends on claim 10 recites "said process valve."

Applicant has canceled claims 1 and 10 without prejudice. New independent claims 22-24 do not include the words "in particular" and applicant has amended claim 21 so that it now depends on new claim 24 and has deleted therefrom the word "process." Thus, applicant hereby requests reconsideration of this rejection of the claims.

2. The Rejections on Prior Art

The Examiner has rejected:

- a. claims 1-2, 10-11, 19 and 21 under 35 U.S.C. 102(b) as anticipated by U.S Patent No. 4,573,344 (Ezekoye);
- b. claims 1-4 and 6 under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 4,916,938 (Aikin); and
- c. claim 20 under 35 U.S.C. 103(a) as unpatentable over Ezekoye.

Applicant has canceled independent claims 1 and 10 and dependent claims 2-3, 9, 11-12 and 14-15 without prejudice.

Applicant has added new independent claim 22 to a method for determining at the seal of a valve or valve leaks of a working medium controlled by the valve. The method:

determines the pressure of the leaking medium controlled by the valve in the control volume between first and second seals;

uses the determined pressure to calculate the leak flow rate;

uses the value obtained for the leak flow rate to draw conclusions about the seal; and

measures, after the control volume is discontinuously opened or emptied and then closed again, the pressure rise of the leaking working medium controlled by the valve in the control volume.

10/021,951

Applicant notes that this last step in the method is from original claim 3 which the Examiner rejected as anticipated by Aikin.

Aikin describes a valve leakage inspection, testing and maintenance process which uses a high pressure fluid, such as water, injected into the valve through a nipple 40 to apply a hydraulic force to the packing inside the valve (see Figs. 1 and 2 and column 4, lines 10 et seq.). The high pressure water is used to check the integrity of the back seat surfaces 34, 36 by observing the pressure decay rate of the injected water (see column 4, lines 65 et seq.). The same injected water can be used to lift the entire packing set (see column 5, lines 4 et seq.). Thus in Aikin the pressure measurement is that of the injected water and not of the working medium that is controlled by the valve. That is not what is taught and claimed by applicant in new independent claim 22.

The Examiner said that claims 5, 7-9 and 12-18 would be allowable if rewritten in independent form and included all of the limitations of the base claim and any intervening claim. New independent method claim 23 is the combination of original claims 1 and 9 with minor some changes. New independent claim 24 is the combination of original claims 10-12 and 14-15.

Thus, applicant requests reconsideration of the rejection of the claims as either anticipated or obvious as described above and requests reconsideration of the application in accordance with Rules 111 and 112.

Petition and Fee For Extension of Time

Applicant also includes herewith a Petition and Fee For Extension of Time asking that the period to respond to this Action be extended to six months from the date of the mailing of the Action viz., June 23, 2003. The required fee is to be charged to Deposit Account No. 05-0877.

*****Signature and Certificate of Mailing Appear On The
Following Page*****

10/021,951

Respectfully submitted,

Date: 6/23/03



Michael M. Rickin
Reg. No. 26,984
Attorney for Applicant
ABB Inc.
29801 Euclid Avenue
Wickliffe, OH 44092-2530
(440) 585-7840

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on the 23rd day of June, 2003.

Respectfully, Debra A. Rietze

Date: June 23, 2003